IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application No. 21 of 2005

Smt. Uma Joshi W/o Sri Anil Kishor Joshi, C/o Sri Raja Ram Joshi, R\o Village Peshkarpur, Halduchaur, Haldwani, District Nainital. ....Petitioner

Vs

1. District Judge, Tehri Garhwal.
2. Dr. Anil Kishor Joshi, S/o Sri Raja Ram Joshi,
   R/o Village Peshkarpur, Tehsil LalKuwan,
   Post Halduchaur, District Nainital,
   Presently resident of Village and Post Mathela,
   District Tehri Garhwal. .....Respondents

Sri Lalit Sharma, learned counsel for the petitioner.
Sri Rajendra Kotiyal, learned counsel for the respondent No.2.

Hon'ble B.S. Verma, J.

Heard Sri Lalit Sharma, learned counsel for the petitioner and Sri Rajendra Kotiyal, learned counsel for the respondent No.2

The present Civil Transfer application has been filed by the applicant with a prayer to transfer the Divorce Petition No.26 of 2005, Dr. Anil Kishor Joshi Vs. Smt. Uma Joshi, filed under Section 13 of Hindu Marriage Act from the Court of District Judge Tehri Garhwal to the Court of Family Court/ District Judge, Nainital.

The grounds raised in the Transfer Application are that both the applicant and respondent are permanent resident of Village Peshkarpur, Halduchaur, Haldwani District Nainital and she is living in the said village with her in-laws and fare more she has no source of income due to which she is not able to contest the case at Tehri Garhwal.

Considering the difficulties of the applicant being a lady and after considering all the facts and circumstances of the case, the Civil Misc. (Transfer) application is liable to be allowed.

The Civil Misc. (Transfer) application is allowed.

The Divorce Petition No. 26 of 2005, Dr. Anil Kishor Joshi Vs. Smt. Uma Joshi, under Section 13 of Hindu Marriage Act pending in the court of District Judge, Tehri Garhwal is transferred to the Court of Family Court/District Judge, Nainital.

The District Judge, Tehri Garhwal is directed to remit the record of the case No. 26 of 2005 Dr. Anil Kishor Joshi Vs. Smt. Uma Joshi, to the Court of Family Court/ District Judge, Nainital and the Family Court/ District Judge, Nainital is directed to conclude the proceedings of Divorce Petition No.26 of 2005, Dr. Anil Kishor Joshi Vs. Smt. Uma Joshi, expeditiously as far as possible.

All applications stands disposed of accordingly.

(B.S. Verma, J)

Dated: - 25-5-2007
M.K.